

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

HARLEY DANIEL DEGROAT, and
REBECCA MARIE HERNANDEZ,

Defendants.

4:21CR3009

ORDER

Defendant Hernandez has moved to continue her deadline for filing pretrial motions. (Filing No. 71). She cites the extension of DeGroat's pretrial motion deadline as the sole basis for extending her own deadline.

But the case background for Defendants DeGroat and Hernandez are wholly distinct. Hernandez was on the brink of trial when DeGroat was located and arrested. By that time, Hernandez had been afforded extensive time to review the government's Rule 16 disclosures and evidence. She chose not to file any pretrial motions. When DeGroat was arrested, Hernandez' trial was continued.

At the time of DeGroat's initial appearance, a new pretrial motion deadline was set for both defendants. Hernandez was afforded another 30 days to file pretrial motions. She did not do so.

DeGroat's moved to continue the pretrial motion deadline because, as a new defendant to this case, he needs more time to review the discovery before deciding whether to file pretrial motions. Hernandez has not and cannot reasonably make the same argument.

Since Hernandez and DeGroat are co-defendants, DeGroat's recent arrest is justification for continuing the trial as to both defendants. But in and of itself, DeGroat's arrest does not explain why Hernandez needs additional time to file pretrial motions generally, or why those motions were not filed within 30 days after DeGroat's initial appearance—the current pretrial motion deadline.

Accordingly,

IT IS ORDERED that Hernandez' motion to continue the pretrial motion deadline, (Filing No. 71), is denied.

Dated this 25th day of October, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge